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<p>1 A. Not exactly.</p> <p>2 Q. I was asking you about what the basis is --</p> <p>3 you know, how has Verizon misappropriated your trade</p> <p>4 secrets. Correct?</p> <p>5 A. Yes.</p> <p>6 Q. And you said: Because they knew I was</p> <p>7 there.</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember that?</p> <p>10 A. Yes.</p> <p>11 Q. And by that, you mean: They knew I was on</p> <p>12 the pitch, right?</p> <p>13 A. What I meant was, I was there at the pitch.</p> <p>14 I was involved. And when you go and you give</p> <p>15 something, you give an entire program to a company,</p> <p>16 and you say to them, Hey, this is it, here is how it</p> <p>17 operates, and they come back to you and they say,</p> <p>18 pare it down a little bit, and you pare it down a</p> <p>19 little bit, and then they go off and they do it as</p> <p>20 their own, that's just not right.</p> <p>21 MS. SHARTON: Move to strike the last</p> <p>22 answer.</p> <p>23 Q. What I was asking you about is: What did</p> <p>24 you mean by "they knew I was there"? They knew you</p> <p>25 were at the pitch, correct?</p>	<p>1 Q. That's what that means?</p> <p>2 A. Yes.</p> <p>3 Q. The slides are copyrighted?</p> <p>4 A. The slides and the concept are copywritten,</p> <p>5 yes.</p> <p>6 Q. That is your testimony?</p> <p>7 A. Yes.</p> <p>8 Q. And that's the only basis for your</p> <p>9 misappropriation claim against Verizon, correct?</p> <p>10 A. Just the copyright on the deck?</p> <p>11 Q. Yes.</p> <p>12 A. No.</p> <p>13 Q. Okay. What else?</p> <p>14 A. During the presentation, I was introduced</p> <p>15 as this separate agency. I was introduced around to</p> <p>16 people there. They saw e-mails going back and</p> <p>17 forth.</p> <p>18 I was told by Erwin-Penland that Verizon --</p> <p>19 that the people they were working with at Verizon</p> <p>20 wanted us, meaning EP and 1st Approach, to be the</p> <p>21 people to carry this through.</p> <p>22 They see, in the deck, in another spot, it</p> <p>23 shows that, you know, this was created by the two of</p> <p>24 us working together. And I was brought in as the</p> <p>25 person who would be able to execute all that.</p>
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<p>1 A. Yes. They saw my name in the deck. They</p> <p>2 saw that it was copywritten to me. They saw that</p> <p>3 the concept was a branded entertainment concept</p> <p>4 between Erwin-Penland and myself. They were aware</p> <p>5 that the idea was mine or both of ours. They were</p> <p>6 aware of that.</p> <p>7 Q. Anything else?</p> <p>8 A. Not that I can recall at this time.</p> <p>9 Q. It is your testimony that they saw that</p> <p>10 this was -- that the deck was copyrighted to you; is</p> <p>11 that your testimony?</p> <p>12 A. Yes.</p> <p>13 Q. I'm looking at Exhibit 11, which we have</p> <p>14 already determined was the presentation given on</p> <p>15 April 26, 2006, to Verizon; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Where does it say on the deck that the deck</p> <p>18 is copyrighted to either you or 1st Approach?</p> <p>19 It says, copyright by Erwin-Penland/1st</p> <p>20 Approach, correct?</p> <p>21 A. April 26, 2006. The last page.</p> <p>22 Q. At the end?</p> <p>23 A. Yes.</p> <p>24 Q. The deck itself is copyrighted, correct?</p> <p>25 A. Yes.</p>	<p>1 Q. Is it your understanding that you can</p> <p>2 copyright a concept?</p> <p>3 MR. JEKEL: Objection to the form. Calls</p> <p>4 for a legal conclusion.</p> <p>5 A. I'm not a lawyer.</p> <p>6 Q. I'm asking for your understanding.</p> <p>7 A. My understanding --</p> <p>8 MR. JEKEL: Object to the form of the</p> <p>9 question.</p> <p>10 Q. Is it your understanding that you can</p> <p>11 copyright a concept?</p> <p>12 A. I think you can copyright a concept.</p> <p>13 Q. All right. Have you ever been in an ad</p> <p>14 agency pitch prior to the one at Verizon on</p> <p>15 April 26, 2006?</p> <p>16 A. Describe what you mean by "an ad agency</p> <p>17 pitch."</p> <p>18 Q. Have you ever gone in an ad agency pitch?</p> <p>19 You know what an ad agency is, right?</p> <p>20 A. Yes.</p> <p>21 Q. You know what a pitch is, right?</p> <p>22 A. Yes.</p> <p>23 Q. Have you ever been on one before?</p> <p>24 A. With another agency?</p> <p>25 Q. Yes.</p>